

**In re: WAYNE W. COBLENTZ, d/b/a COBLENTZ & SONS LIVESTOCK.
P. & S. Docket No. D-01-0013.
Stay Order.
Filed July 29, 2002.**

Charles E. Spicknall, for Complainant.
Bruce H. Wilson, for Respondent.
Order issued by William G. Jenson, Judicial Officer.

On May 30, 2002, I issued a Decision and Order: (1) concluding that Wayne W. Coblentz, d/b/a Coblentz & Sons Livestock [hereinafter Respondent], willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181-229) [hereinafter the Packers and Stockyards Act]; (2) ordering Respondent to cease and desist from (a) issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which the checks are drawn to pay the checks when presented, (b) failing to pay, when due, the full purchase price of livestock, and (c) failing to pay the full purchase price of livestock; and (3) suspending Respondent as a registrant under the Packers and Stockyards Act for 5 years. *In re Wayne W. Coblentz*, 61 Agric. Dec. 330 (2002).

On July 23, 2002, Respondent filed "Motion for Stay of Suspension" [hereinafter Motion for Stay] requesting a stay of the Order in *In re Wayne W. Coblentz*, 61 Agric. Dec. 330 (2002), during the pendency of Respondent's Petition for Review filed in the United States Court of Appeals for the Sixth Circuit. On July 24, 2002, the Hearing Clerk transmitted the record to the Judicial Officer for a ruling on Respondent's Motion for Stay.

On July 24, 2002, Charles E. Spicknall, counsel for the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture [hereinafter Complainant], informed me by telephone that Complainant does not oppose Respondent's Motion for Stay.

Respondent has appealed *In re Wayne W. Coblentz*, 61 Agric. Dec. 330 (2002), to the United States Court of Appeals for the Sixth Circuit. Therefore, in accordance with 5 U.S.C. § 705, Respondent's Motion for Stay is granted.

For the foregoing reasons, the following Order should be issued.

ORDER

The Order issued in *In re Wayne W. Coblentz*, 61 Agric. Dec. 330 (2002), is stayed pending the outcome of proceedings for judicial review. This Stay Order shall remain in effect until it is lifted by the Judicial Officer or vacated by a court of competent jurisdiction.
